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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,667	02/09/2004	Sean O'Clair	5001-0437-1	9451

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EXAMINER

RICHARDSON, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,667

Applicant(s)

O'CLAIR ET AL.

Examiner

John Richardson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03-10-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Non Final Rejection

1). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2). The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3). The disclosure is objected to because of the following informalities:

- There are many instances in the specification disclosure wherein items listed in Figures 1-9, are not identified in the specification text; examples include items 17, 50, 51, 55, 102, 106, 108, 180, 210, and 280.
- Page 6, refers to **axis f**, and page 7 of the specification refers to **item 10**; **axis f** and **item 10** do not appear on any of Figures 1-9.

Appropriate correction is required.

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4). Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the limitation "**cams between a locked and unlocked position of the barrel**" in lines 3-4. The term "**cams**" is in the verb form and it is not clear what is being cammed between what of the components of the applicant's invention.

5). Claims 1-12, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are vague, indefinite and incomplete as to what is implied and what is proposed by the cited term "a means for securing the locking block to the frame " and how and in what manner this feature is to be determined. As presently set forth, the metes and bounds of the claims are undefined.

For example, the specification disclosure (page 5, lines 6-7) merely refers in general terms to a "mechanism for securing the locking block to the frame" without stating whether this is intended to be by welding, by fasteners, or by some other positive connecting means.

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6). Claims 1, 3, 6, 8, 9, 11, 13, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wonisch et al (U.S. 6,789,342).

The reference discloses a firearm device comprising a frame (item 5), a barrel (item 7), a slide (item 4), a sliding block (item 2) in two parts (items 2a, 2b) which can be joined together (see Column 4, lines 45-54), and the said items 2a, 2b, when conjoined form a U shape opening as shown in exploded views in Figure 1, the said item 2 having front a rear ends with lateral walls arranged in the longitudinal axis of the said firearm with chamfered guide rails as part of items 2a, 2b, for sliding in grooves along the said slide item 4 as shown in Figures 1, 2 and reading on claim 9, a means for securing the said sliding block to the said frame by a pin item 39 reading on claims 6, 11, 18, a spring detail item 49 reading on the cited claim 20.

7). Claims 1, 2, 8, are rejected under 35 U.S.C. 102(e) as being anticipated by Schmitter et al (U.S. 5,669,169).

The reference discloses a handgun (item 10) comprising a frame (item 30), a slide (item 24), a barrel (item 12), a U spreader block with lateral walls arranged on the longitudinal axis of the said handgun (items 130, 140), curved / chamfered rails limiting movement of the spreader block (items 72, 74, Column 4, lines 32+, Column 5, lines 1-34), and a means for securing said spreader block (see Column 5, lines 33-65).

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8). Claims 1 to 4, 6, 8, 9, 11, 13 to 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (4,594,935).

The reference discloses a locking system for a firearm comprising a frame (item A), a slide (item B), a barrel (item C), with a firing mechanism (see Figure 1), a locking block (item E) with a substantially U shaped front end (item E3), a rear end (item E2), the said locking block comprising lateral spaced walls with guide rails (items E1, E2), a means for securing the said locking block to the said frame by means of a frame pin detail (item A1), relating to claims 2, 14, the said guide rails have chamfered profiles, relating to claims 3, 9, 15, the said guide rails are located on the firing axis of the said firearm and the said chamfers profiles approximate to angle of about 45 degrees relative to the said firing axis, relative to claims 4, 16, the one of the said guide rails (item E1) comprises a convex surface (item E3), relating to claims 6, 11, 18, the reference discloses the said pin detail (item A1).

It is noted that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from prior art apparatus" if the prior art teaches all the structural limitations of the claim. *In re Masham*, 2 USPQ2d 1647.

Claims directed to apparatus must be distinguished from prior art in terms of structure rather than functions. *In re Danly*, 120 USPQ 528, 531.

Apparatus claims cover what a device *is*, not what a device *does*. *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ2d 1525, 1528.

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As set forth in MPEP§ 2115, a recitation in a claim to the material or article worked upon, does not serve to limit an apparatus claim.

9). Claims 1 to 3, 6, 8, 9, 11, 13 to 15, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (4,915,011).

The reference is incorporated in the applicant's disclosure (page 3, [0006]) and discloses a locking system for a firearm comprising a frame (item A), a slide (item B), a barrel (item C), with a firing mechanism (see Figure 1), a locking block (item F) with a substantially U shaped front end a rear end (see Figure 10), the said locking block comprising lateral spaced walls with guide rails (items E1, E14 as shown in Figure 10), a means for securing the said locking block to the said frame by means of a frame pin detail (item E2), relating to claims 2, 14, the said guide rails have chamfered profiles as demonstrated in Figure 10, relating to claims 3, 9, 15, the said guide rails are located on the firing axis of the said firearm and the said chamfers profiles approximate to angle of about 45 degrees relative to the said firing axis, relating to claims 6, 11, 18, the reference discloses the said pin detail (item A1).

10). Claims 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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11). Claim 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12). The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

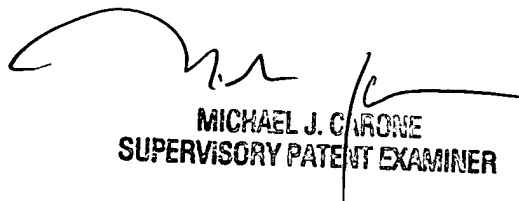
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications can be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Richardson, PE,

September 23 2004.



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER